REMARKS

Entry of the foregoing, re-examination and reconsideration of the subject matter identified in caption, as amended, pursuant to and consistent with 37 C.F.R. §1.112, and in light of the remarks which follow, are respectfully requested.

Claim 1 has been amended to add the feature of claim 2 and claim 2 was canceled. Claim 15 was amended to correct its dependency. Claims 1 and 3-20 remain pending in this application.

Claims 1-20 were rejected under 35 U.S.C. §103(a) as obvious over U.S. Published Patent Application No. 2004/0185364 (Kanamura et al) in view of U.S. Patent No. 6,852,461 (Sato et al) and U.S. Patent No. 6,528,221 (Takezawa et al) for the reasons set forth in paragraph 2 of the Office Action. Reconsideration and withdrawal of this rejection are requested for at least the following reasons.

Kanamura et al '364 disclose a toner which includes two types of binder resin and at least one low melting-point wax. Examples 4 and 9 disclose toners containing two waxes. The weight ratio of the waxes in Examples 4 and 9 is 1:1. As acknowledged in the Office Action, this document does not disclose or suggest adding an infrared absorbing agent.

Sato et al '461 disclose a toner containing at least two polyester binding agents, a first wax and a second wax. In all working Examples, the weight ratio of the first wax to the second wax is 1:1 (i.e., 2 parts by weight of each wax in the toner). Sato et al '461 also does not mention an infrared absorbing agent.

Takezawa et al '221 discloses a flash fixing toner containing a binder resin, a wax and an infrared absorbing agent. There is no disclosure in this document of a toner containing a first wax and a second wax in a weight ratio of 3:1 to 7:1 and where the first wax and binder resin have the relationship specified in the present claims.

Even if one of ordinary skill combined the disclosures of the respective references, the resultant toner would not have a first and second wax where the weight ratio is as specified in the present claims. Further, operating within this weight ratio unexpectedly provides improved results as confirmed by the comparative data in the present specification. In Example 8 (Table 3, page 45), the weight ratio of the waxes was 6.6:1. In Comparative Example 5 (Table 4, page 46), the weight ratio was 8:1. The data in Table 6 on page 61 shows that the toner of Example 8 provided excellent properties in comparison to the toner of Comparative Example 5. Similar results are obtained when one compares the toner of Example 7 (weight ratio of 3.3:1) with that of Comparative Example 6 (weight ratio of 2:1).

Those of ordinary skill could not have reasonably predicted from the cited art that operating within the weight ratios of waxes set forth in the present claims would provide the unexpected results described in the specification as discussed above. Assuming arguendo, that the combined disclosures of the references relied upon in the §103(a) rejection established a prima facie case of obviousness, Applicants respectfully submit that the comparative data in the specification shows unexpected results and rebuts any prima facie case.

For at least these reasons, the §103(a) rejection based on Kanamura et al in view of Sato et al and Takezawa et al should be reconsidered and withdrawn. Such action is earnestly solicited.

From the foregoing, further and favorable action in the form of a Notice of Allowance is believed to be next in order and such action is earnestly solicited. If there are any questions concerning this paper or the application in general, the Examiner is invited to telephone the undersigned at (703) 838-6683 at his earliest convenience.

Respectfully submitted,

BUCHANAN INGERSOLL PC
(Including the attorneys from Burns,
Doane, Swecker & Mathis)

Date: September 19, 2005

By: _____
George F. Lesmes
Registration No. 19,995

P.O. Box 1404
Alexandria, Virginia 22313-1404
(703) 836-6620